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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,085	03/10/2000	Douglas S. Foote	9137.00	5683
26889	7590	12/29/2006	EXAMINER	
MICHAEL CHAN NCR CORPORATION 1700 SOUTH PATTERSON BLVD DAYTON, OH 45479-0001			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3692	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	12/29/2006	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/522,085	FOOTE ET AL.	
	Examiner	Art Unit	
	Frantzy Poinvil	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 October 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8, 22, 23 and 25-29 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 22, 23 and 25-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10/27/2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 and 22-23 and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suer et al. (US Patent No. 6,431,439) considered with Norris (US Patent No. 5,940,811) or Gustin et al (US Patent No. 6,012,048).

As per claims 1-3, 8, 22-23 and 25-29 Suer et al disclose a system and method for enabling the electronic capture and storage of financial transactions. See the abstract. In so doing, Suer et al substantially teach the claimed invention. Suer et al disclose a user having an electronic portable device such as a personal digital assistant (PDA) for running various types of financial software(s) for conducting financial transactions with an ATM, point of sales (POS) and other merchant computers. See column 3, line 54 to column 4, line 9 of Suer et al. Suer et al state that "the device may comprise a transceiver, e.g., such as an infrared (IR) transceiver, for wireless communication between the device and a terminal unit, such as a personal computer, an

Art Unit: 3692

ATM, or a terminal at a merchant's site. An IR adapter may be plugged into the terminal unit's serial, parallel, Universal Serial Bus (USB), or IrDA port to receive data from the device. " See column 4, lines 29-37 of Suer et al. Suer et al further state on column 6, lines 49-55 that "the user may enter ATM transaction information, such as a personal identification number (PIN) and a transaction amount, into the device 10 and transmit the information from the device 10 to the ATM 20 so that the user may perform ATM functions (e.g., withdraw money, transfer money between accounts, and deposit money) using the device 10". From these descriptions, it is clearly seen that Suer et al disclose a method comprising an ATM which has a screen for displaying options for withdrawing cash and a touch input mechanism for receiving user commands, and modifying the ATM to enable it to receive from a wireless device user commands for dispensing cash. Most ATM's are connected within a network. Suer et al do not explicitly state the portable device is a wireless telephone. The Examiner asserts that the device of Suer et al is a wireless device and that wireless devices include PDA's and cell phones and wireless phones. It would have been obvious to one of ordinary skill in the art at the time the invention was made to also include a wireless telephone device in the system of Suer et al in order to attract many types of users or customers having different types of portable devices. Furthermore, it is noted that the type of wireless devices being used therein would not affect the system of Suer et al since such is merely used for the purpose of facilitating wireless communication with another terminal.

Applicant's representative has amended their independent claims to recite
wherein

Art Unit: 3692

- " 1) the ATM, prior to modification, is operative to (A) respond to user commands, including a command to dispense cash, and (B) cause a modification to the user's account,
- 2) the ATM, before and after modification, is connected to a host computer via a network,
- 3) before the modification, other ATMs are connected to the host computer via the network,
- 4) the other ATMs are operative to respond to user commands, including a command to dispense cash,
- 5) all said ATMs are located in public places, and
- 6) at least some of the other ATMs are not modified to enable them to receive from a wireless telephone user commands dispensing cash. "

In response, it is noted that the applicant's claims are reciting inherent or obvious uses of an ATM and places or locations that ATMs are usually found. Furthermore, ATM's are usually connected within a network to a remote computer. The purpose of an ATM is to facilitate uses of banking functions that are commonly performed between a teller and a customer in a bank. An ATM facilitates these functions into an interactive function between a user and a automatic teller machine wherein the machine is usually placed in a public location. Furthermore, the language found in the present claims are within a "wherein clause" and is a recitation that is neither "steps or functions or structures" to be performed any functions. The claim as amended appears to recite intended use or descriptive language or arguments so as to overcome the art of record.

Art Unit: 3692

Furthermore, whether or not Suer et al recite that their ATMs before or after modification are or are not connected to a network or before or after modification, they are not being placed in a public place or before or after modification they do or do not respond to user commands, including a command to dispense cash and cause a modification to a user's account, the Examiner asserts that these are the usual functions of ATMs. ATM's usually respond to user commands, dispense cash, cause a modification to a user's account and are usually connected to a network. If any of the ATM's is subsequently modified to receive commands from a wireless telephone, then these ATM's would still continue to perform in the same manner before and after modification.

Applicant is referred to Norris or Gustin et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the ATM's of Suer et al in a network environment and in public locations in order to facilitate uses of the ATM's by remote customers not desiring to go to a bank in front of a human teller as in the system of Norris or Gustin et al.

As per claim 4, Suer et al teach the transceiver is further adapted to transmit signals directly to the portable device. See column 6, lines 44-47 where it is stated that "The device 10 may communicate various financial transaction data to and receive similar data from each of these terminal units".

As per claim 5, Suer et al teach the signals implement local wireless communication. See column 9, lines 29-46.

Art Unit: 3692

As per claim 6, most ATM's are connected in a network for enabling the checking of funds in a bank associated with the user. See also column 16, lines 25-37.

As per claim 7, see the above analysis, and column 16, lines 25-37 and column 10, lines 42-63 of Suer et al.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3692

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**Frantzy Poinvil
Primary Examiner
Art Unit 3692**

FP

December 26, 2006